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Mike O'Herron
Montana DNRC
2705 Spurgin Road
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Dear Mike,

I appreciate the opportunity to submit the following comments on behalf of the Natural Resources Defense Council (NRDC) on the final Habitat Conservation Plan (HCP) prepared by Department of Natural Resources (DNRC) and U.S. Fish and Wildlife Service (FWS). These comments will focus specifically on the threatened grizzly bear. NRDC writes to oppose the preferred alternative in the Environmental Impact Statement (EIS), and to request the development of a conservation alternative much stronger and more protective of grizzlies and their habitat than the proposed alternative 3. We refer here to comments and scientific documents provided in NRDC's draft comment letter that made a strong case for the need to improvements in grizzly bear management in DNRC lands.

NRDC is a national conservation organization with over 1.3 million members and activists, including more than 2,500 members in Montana. Many NRDC members regularly hike, recreate, hunt and fish in Montana, and they treasure its magnificent wild country, scenery and wildlife. Many members of this organization also depend on the forests of Montana for their water, as well as their economic and spiritual well-being. They regard the grizzly as especially important because of its needs for wild country, its role as an icon of the American West, and its ecological value as a barometer of the health of the whole ecosystem.

We request that this letter incorporate by reference the comments submitted by Defenders of Wildlife, Friends of the Wild Swan and Montana Environmental Information Center.

- 1.) **The plan does not adhere to its stated standard of protection species "to the maximum extent practicable".** The plan commits to a standard of protecting threatened species to the maximum extent practicable regarding the impacts of incidental take on threatened and endangered species (p. ES.1), but fails to apply this standard in the case of the threatened grizzly.

If the plan were to adhere to its stated commitment to protect grizzly bears to the maximum extent practicable, using the best available science, as required by the Endangered Species Act (ESA), the preferred alternative would: (a) increase core areas, rather than allow them to decline in the preferred (and all) alternatives; (b) decrease open and total road densities; (c) rely more heavily on road obliteration, rather than seasonal closures; (d) further reduce road densities in the sub-Bear Management Units (BMUs), where overall road densities greatly exceed biologically based thresholds; (e)

take into account existing data on bear use, conflicts and mortalities in a geographically explicit manner, in order to develop geographically appropriate protective road and habitat standards. There is an abundance of information, including geographically explicit data on these issues that could be applied in a practical way to improve and protect habitat in highly productive areas, and to reduce the potential for conflicts by closing roads strategically around and between remaining core habitat.

The above list includes reasonable measures that should be applied to minimize and mitigate the effects of the proposed actions on grizzly bears. Similar protections have been afforded to grizzlies on the nearby Flathead Forest through Amendment 19, which has resulted in the closure and removal of hundreds of miles of roads. The absence of similar measures on state lands shows that DNRC is not protecting grizzly bears to the maximum extent practicable.

2.) **All alternatives will reduce core habitat for bears and increase roads and related impacts on grizzly bears.** As discussed in previous comments by NRDC, DNRC still has not developed an alternative that would improve conditions for the imperiled grizzly bear. Under NEPA and MEPA, DNRC must provide an alternative that has promise of improving the prospects for grizzly, especially in the face of rapid changes occurring relative to climate and population growth, and of meeting the stated goal of the plan.

3.) **DNRC fails to justify plan reductions in core habitat security areas and increases road densities: both actions will adversely affect threatened grizzlies.** In all alternatives, including the preferred alternative, DNRC plans to reduce core habitat security areas and increase road densities (3-10). This course of action will adversely affect grizzly bears. Making matters worse, the regulations related to helicopter use, a provision added since the draft, provides merely a band-aid to the problem. This provision is not adequate to ameliorate the potentially major impacts of the loss of core habitat and increase by roadbuilding and increasing the densities of roads. Even the most conservation oriented alternative, alternative 3, provides only cosmetic improvements that do not address the serious threat that excessive roading and logging pose to the threatened grizzly.

Throughout the documents, DNRC concedes that the increased roads will cause an increase in harm to bears, through displacement and habitat fragmentation, increased conflicts with humans and mortality, as well as habituation. Yet the plan fails to provide the most reasonable alternative approach: that is to apply restrictions along the lines of what has been provided on the nearby Flathead Forest through Amendment 19. The blithe dismissal of the enormous body of information on the impacts of increased roads and timber harvest on grizzly bears, and the failure to develop a workable and effective alternative approach, is irrational and undermines the state's responsibility to recover the threatened grizzly.

4.) **DNRC's proposal to replace core security habitat with so-called "quiet" areas (rotating temporary areas of no timber activity) runs counter to the significant body of scientific evidence that shows that bears need permanent core secure habitat away from high densities of people.**

In the EIS, DNRC recognizes that bears tend to avoid habitat where there is road building activity and use. This occurs even long after roads have been closed following logging and other use. In a study of the South Fork of the Flathead, for example, Rick

Mace found a significant delay between the time when roads were closed and the time when grizzlies, especially females with cubs, respond by utilizing the habitat again. DNRC recognizes this problem in its discussion of how bears have been found to avoid or underutilize lands near roads in studies in the NCDE, Cabinet Yaak, and Yellowstone.

These findings underscore the importance of maintaining permanent core security habitat away from roads. FWS has also long recognized the importance of protecting remaining core secure habitat in the Yellowstone Conservation Strategy, the Habitat Based Criteria, Forest Service Amendments for managing habitat in the GYE, and other documents related to Yellowstone grizzly bear management and delisting, as well as plans in the Northern Continental Divide, Cabinet Yaak and Selkirk ecosystems, where core habitat standards have been applied for years.

Without justification, and contrary to the scientific information it cites, DNRC proposes a plan that would remove requirements for core security habitat, replacing them with rotating, temporary “quiet areas” of no activity. DNRC and FWS have not demonstrated that such an approach will work, even though, using a weight of evidence standard, protecting core areas on a permanent basis is the most defensive position biologically. And, the approach has been found to be very effective in the NCDE and GYE. Maintaining permanent core habitat is likely to become increasingly important in light of expanding human presence, and the admission by the agency that temporary road closures are ineffective because of poor enforcement.

- 5.) **The 50 year timeframe for the HCP defies rationality, especially in the face of widely accepted information about climate change.** HCP protections and requirements are essentially guaranteed for 50 years. Given major uncertainties associated with climate change, and the responses of grizzly bears to inevitable changes in food sources (location and abundance), this 50 year time horizon is unreasonable and irrational. The HCP states “over the term of the 50 year conservation plan, some flexibility is needed to address minor necessary changes in wording context and numbering of...measures.” Yet the plan provides no justification for why the changes necessary would be minor, given the enormous changes underway, and the even greater uncertainties relative to climate and the impacts of vegetation (especially bear foods) in the area. The DNRC should have provided at least one alternative under MEPA that included a shorter timeframe, just as other public lands managing agencies do.
- 6.) **The plan includes contradictory statements about the impacts to grizzlies from implementation of the HCP, and the need for monitoring.** On 4-8, the plan says “little effectiveness monitoring is required because the HCP conservation measures are based on the best available science and are understood to be effective when implemented properly”. Yet this statement is contradicted elsewhere in the document, such as on 7-10, where the plan states “the displacement of grizzlies from habitat are difficult to quantify and in most cases, impossible to measure in terms of impacts of bears on harvest”. The plan goes on to say that “the best available and commercial data are not sufficient to determine a specific number of grizzlies that may be affected by displacement and therefore subject to incidental take.”

Isn't quantification of take the purpose of the entire document? How can the plan say on one hand that little monitoring is needed because the best science is being used, while on the other admitting that it doesn't know what the affects of its actions are? DNRC

cannot have it both ways. The plan must be revised to make rational sense of this complex issue.

7.) The HCP priorities short-term potential gains for schools, while it discounts what might be most valuable to the public in the long-term: intact forests.

In the long-term, in the face of climate change and population growth in the area, these forests, left intact (and restored in some areas), may be of incalculably high value to citizens of the state. Yet, in drafting this HCP, DNRC steadfastly refused to take any added precautions to protect these forests and endangered species that reside in them, so as to ensure that future generations can have access to and enjoy these irreplaceable resources. The section that was added since the earlier draft on climate change does make reference to significant and major projected changes; yet this plan seems locked in on the short-term approach to maximizing profit, rather than allowing for the possibility that in the long-term, these forests may be far more valuable standing and intact.

8.) The new information about the effects and trends on climate change are not connected to an analysis that gauges the impacts of HCP activities on the environment. The new section (4-2), looked like a literature dump, and did not include a practical analysis using available scaled-down climate models. Nor did this section provide a realistic analysis potential major changes on bear foods from climate change , so as to fully evaluate the effects of implementing the HCP. DNRC therefore could not intelligently assess the likely cumulative effects of bears from timber harvest in a changing forest arena over the next 50 years. Without such analysis, it is impossible to assess whether or not the actions taken in the HCP would meet or violate the goal of reducing impacts on endangered species to the maximum extent practicable.

Interestingly, the one grizzly bear food source that was discussed in the climate section related to whitebark pine, which has already been functionally gone in most of Northwest Montana, and is not currently an important bear food in any of the areas under discussion or analysis. Other important foods for these bears, such as serviceberry, chock-cherry, and globe huckleberry, are not discussed, even though it is certain that the abundance and location of foods will be affected by climate change. The revised EIS must address the potential major impact on key bear foods—not ghost foods such as whitebark pine.

9.) Given the dire plight of the Cabinet Yaak grizzlies, the HCP should have provided far more protections for the lands in the Cabinet Yaak ecosystem.

The EIS and HCP acknowledge that the Cabinet Yaak grizzly, a population of 20-40 grizzlies, is imperiled. The U.S. Fish and Wildlife Service has also acknowledged that the Cabinet Yaak population is “warranted but precluded” from endangered species protections. That means that endangered species protections are in fact warranted for this admittedly threatened population, which stands on the brink of extinction. Although DNRC owns scattered sections within the Cabinet Yaak Ecosystem, it should be granting those lands with far more stringent protections in light of the imperiled status of this population. DNRC’s failure to do that is irrational, and contrary to its own goal of protecting imperiled species to the maximum extent practicable. None of the alternatives would improve habitat conditions for these beleaguered bears or prospects for recovery.

We appreciate this opportunity to comment on this plan and look forward to further involvement in this process.

Sincerely,

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